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October 16, 2009

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SENT BY FAX ONLY 267-299-5069

Honorable Paul S. Diamond  
U.S. District Court for the Eastern District of Pa.  
6613 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

FILED

OCT 16 2009

MICHAEL E. KUNZ, Clerk  
By Dep. Clerk

Re: Maximino M. Estrada, individually and as  
Administrator of the Estate of Yolanda A. Carias-Santos  
v. Home Depot USA, Inc., American Honda Motor Co., Inc.  
and MTA Distributors, Inc.  
Civil Action No. 08-4367  
Our File No. 2886

Dear Judge Diamond:

Thank you for accommodating the parties by extending the deadlines for the pretrial submissions until today. As you recall, the parties requested a two-day extension in order to allow for a private mediation October 14 before retired Federal Magistrate Judge Diane Welsh.

This was the second effort for mediation. The parties spent more than ten hours in joint session and private caucuses with Judge Welsh. We made meaningful progress but with no final settlement. For your general awareness, by the end of the day the plaintiff agreed to commit to a reduced settlement demand of \$3.75 Million Dollars provided the defendants would increase their collective offer of \$900,000 to \$1 Million Dollars. Judge Welsh was impressed by the issues in the case and volunteered to stay involved. She has made herself available later this month to continue mediation while we otherwise stay on track toward a trial.

The plaintiff agreed with the defendants to provide the Court with an Exhibit Binder and pleadings. The parties agreed to submit a Master Trial Exhibit List rather than individual lists submitted from each of the four parties. Thousands of pages have been exchanged through discovery including nineteen depositions with extensive exhibits. All counsel have been diligent in their efforts to help organize a comprehensive list that would benefit everyone including the Court to facilitate your rulings on admissibility. All of the exhibits on the list have been stipulated to their authenticity.

Honorable Paul S. Diamond  
U.S. District Court for the Eastern District of Pa.

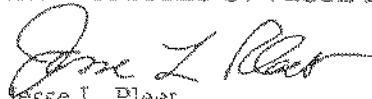
October 16, 2009  
Page 2

The Master Trial Exhibit List will be completed today and filed; however, the photocopying of the records into an indexed binder for the Court requires some additional time. The plaintiff requests a one-week extension to submit the binders and copies of pleadings; the defendants have no objection.

Thank you for your consideration.

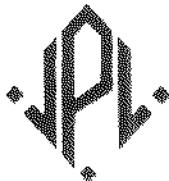
Respectfully yours,

LAW OFFICES OF JESSE L. PLEET, P.C.

  
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JLP:llcd

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# Facsimile

To: Honorable Paul S. Diamond From: Jesse L. Pleet, Esquire

Fax: 267 299-5069 Pages: 3 (including this page)

Re: Estrada v. American Honda Date: October 16, 2009

\* Comments:

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